

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

<b>Case No.</b>	<b>CV 17-3439 FMO (PJWx)</b>	<b>Date</b>	<b>January 29, 2018</b>
<b>Title</b>	<b>Richard Graff v. CitiMortgage, Inc., <u>et al.</u></b>		

Present: The Honorable Fernando M. Olguin, United States District Judge

Vanessa Figueroa

None Present

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

**Proceedings: (In Chambers) Order to Show Cause Re: Defendants ABN AMRO and Pite Duncan, LLP**

Pro se plaintiff Richard Graff ("plaintiff") filed his complaint on May 5, 2017, against CitiMortgage, Inc. ("CitiMortgage"), Cal-Western Reconveyance Corp. ("Cal-Western"), and NBS Default Services ("NBS"). (See Dkt. 1, Complaint at ¶ 5). On December 4, 2017, plaintiff filed his Second Amended Complaint, the operative complaint, naming additional defendants, ABN AMRO; Pite Duncan, LLP; and Aldridge Pite, LLP. (See Dkt. 40, "SAC" at ¶ 2). While Adridge Pite, LLP has filed a motion to dismiss, (see Dkt. 53), it does not appear that ABN AMRO and Pite Duncan, LLP have been served with the SAC and summons. (See, generally, Dkt.).

Rule 4(m) provides that "[i]f a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant[.]" Accordingly, the court, on its own motion, orders plaintiff to show cause in writing on or before **March 2, 2018**, why the unserved defendants should not be dismissed for lack of prosecution. The filing of valid proofs of service as to ABN AMRO and Pite Duncan, LLP shall be deemed a sufficient response to the instant Order to Show Cause. The Order to Show Cause will stand submitted upon the filing of plaintiff's response.

IT IS SO ORDERED.

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Initials of Preparer	<u>vdr</u>		